

REMARKS/ARGUMENTS

Claims 1-11 remain pending. Applicant amends Claim 1 and Claim 2

Support for Amendments

Applicant has amended Claim 1 to recite that the elastic band of the present invention is continuous. A continuous elastic band does have a first end portion and a second end portion. Thus, the present invention does not require the release of two end portions for removal of the security band. Support for a continuous band is found throughout the Specification and Drawings as originally filed. For example, FIG. 1 as originally filed depicts a peritoneal dialysis security band including a continuous elastic band. Also on page 4, lines 16-17 in the Brief Description of the Drawings, the Specification states, "The elastic band 11 is a continuous singular band having a catheter retaining pocket 12 positioned along a portion of the inside surface of the elastic band 11."

Applicant has amended Claim 2 to recite the catheter retaining pocket instead of catheter retaining portion. The application as originally filed refers to a catheter retaining pocket instead of a portion. For example, on page 4, lines 16-17 in the Brief Description of the Drawings, the Specification states, "The elastic band 11 is a continuous singular band having a catheter retaining pocket 12 positioned along a portion of the inside surface of the elastic band 11."

CLAIM OBJECTIONS

The Examiner has objected to claims 1-11 because the Examiner alleges the security band is detachable because the security band may be cut with a pair of scissors.

Applicant has clarified the scope of the claimed invention to include that the elastic band is "continuous" and has deleted the phrase "not detachable." Applicant respectfully requests the Claim Objections be withdrawn.

Applicant's Claimed Invention Is Not Anticipated Under 35 U.S.C. § 102(b)

The Examiner has rejected Claims 1-11 under 35 USC § 102(b) as allegedly being anticipated by Blair (US 5,304,145), Chandler (US 5,468,229) (Column 2, line 25), Bennes et al (US 5,853,396), Sutherland et al (US 6,126,639) (Column 3, Line 58), Lee (6,436,074) (Column 3, Line 26) and McDaniel (US 6,544,232). The Examiner alleges the cited references disclose a peritoneal dialysis security band including an elastic band, a catheter retaining pocket positioned along a portion of the elastic band and wherein the pocket is able to accept a catheter.

Applicant's invention is not anticipated by the cited references as originally filed or prior to amendment. However to expedite allowance, Applicant has amended Independent claim 1 to include the recitation that the elastic band be continuous. The cited references do not disclose a continuous elastic band. Thus Applicant respectfully requests the rejection be withdrawn.

Applicant's Invention Is Not Obvious Under 35 U.S.C. 103(a) over Burchard Gallaries

The Examiner has rejected Claim 7 under 35 USC § 103(a) as being obvious over Blair, Chandler, Bennes et al, Sutherland et al, Lee and McDaniel. The Examiner alleges it would have been an obvious matter of design choice to a person of ordinary skill in the art to make the band from about 3 to 6 inches in width.

Applicant's invention is not obvious in view of the cited references, alone or in combination, as originally filed or prior to amendment. However to expedite allowance, Applicant has amended Independent Claim 1 to include the recitation that the elastic band be continuous. The cited references do not disclose a continuous elastic band. Thus Applicant respectfully requests the rejections be withdrawn.

Applicant respectfully submits that the claims are ready for examination and in condition for allowance.

Please apply any charges not covered, or any credits, to **Deposit Account Number**
501321 in the name of David R. Preston & Associates, having **Customer Number 24232**.

Respectfully submitted,

Date: Dec 13, 2004

A handwritten signature in black ink, appearing to read 'David R. Preston', written over a horizontal line.

David R. Preston
Reg. No. 38,710

David R. Preston & Associates
12625 High Bluff Drive
Suite 205
San Diego, CA 92130
Telephone: 858.724.0375
Facsimile: 858.724.0384